

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO  
SANTA FE DIVISION**

JOHN ANTHONY CASTRO  
12 Park Place, Mansfield, TX 76063

Plaintiff,

v.

SECRETARY OF STATE MAGGIE  
TOULOUSE OLIVER  
325 Don Gaspar, Ste 300, Santa Fe, NM 87501

DONALD JOHN TRUMP  
1100 S. Ocean Blvd, Palm Beach, FL 33480

Defendants.

Case No. 1:23-cv-00766-KK-GJF

**MOTION PURSUANT TO 28 U.S.C. § 636(b)(1) FOR RELIEF FROM  
NONDISPOSITIVE PRETRIAL ORDER**

Plaintiff John Anthony Castro, *pro se*, objects to the U.S. Magistrate's Order to Show Cause and states as follows:

This case is of national importance as it seeks to determine the constitutional qualification and eligibility of a thrice-indicted former President whose continued assault on our Republic threatens the foundations of American Democracy.

Pursuant to 28 U.S.C. § 636, the Magistrate Judge has no authority to order a party to show cause for that which is already thoroughly outlined in a comprehensive Verified Complaint that contains a Tabel of Contents and Table of Authorities. If the U.S. Magistrate does not understand the Declaratory Relief Act, it is not the job of Plaintiff to conduct a continuing education course for the U.S. Magistrate. The relief being sought is outlined in the Verified Complaint. The reasons for which security for the injunctive relief is not needed is explained in the motion for said relief.

The U.S. Magistrate is nonsensically asking for that which is already provided. It is the job of the U.S. Magistrate to either research the law or recuse himself for being intellectually deficient. Plaintiff has already outlined, in extreme detail, the precise relief he seeks and legal support therefor. It is the job of the U.S. Magistrate to actually read it. Rather than do his job, the U.S. Magistrate bizarrely ordered Plaintiff to provide more detail than the nearly 40-page Verified Complaint already submitted.

Based on the foregoing, it is clear that the U.S. Magistrate Judge is in dereliction of his own duty to independently research and provide recommendations to this Honorable Court.

### **REQUESTED RELIEF**

Because the U.S. Magistrate's Order to Show Cause clearly erroneous and contrary to law, Plaintiff moves this Court for relief from this nondispositive pretrial order pursuant to 28 U.S.C. § 636(b)(1) and a direct ruling from the U.S. District Court Judge.

Respectfully submitted,

Dated: September 29, 2023.

By: /s/ John Anthony Castro

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Plaintiff *Pro Se*

### **CERTIFICATE OF SERVICE**

On September 29, 2023, I electronically filed the foregoing document via the Court's CM/ECF system. It is further certified that all other parties are CM/ECF users and that service of

this document will be made upon them via CM/ECF. If any party has not yet submitted a notice of appearance, service of this document will be made by U.S. postal mail.

/s/ John Anthony Castro  
John Anthony Castro